

GRANT F. LANGLEY

City Attorney

RUDOLPH M. KONRAD

LINDA ULISS BURKE

VINCENT D. MOSCHELLA

Deputy City Attorneys



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

May 2, 2011

Commissioner Rocky Marcoux
Executive Secretary
City of Milwaukee Plan Commission
809 North Broadway, 2nd Floor
Milwaukee, WI 53202

Re: File No. 101339 Detailed Plan Development
7025 West Main Street (Wal-Mart Market Project)

Dear Mr. Marcoux:

We have been asked to provide a legal opinion addressing the status of the motion considered by the Plan Commission at the conclusion of its public hearing on April 26, 2011 with respect to the above-captioned rezoning file. At the conclusion of the public hearing the Plan Commission considered a motion to conditionally approve the request for a change in zoning to a detailed planned development for commercial development on land located at 7025 West Main Street, that motion failed and no subsequent motion was made with respect to the file.

Section 295-907-3-f of the Milwaukee Code of Ordinances states the following:

f. Plan Commission Report. After making a decision to recommend approval or denial, the Commission shall forward a report of its decision to the Common Council.

In this instance, no decision was reached upon conclusion of the public hearing because no motion was approved by members of the City Plan Commission. Accordingly, in order to forward a report of its decision to the Common Council the City Plan Commission must take further action with respect to the matter in order to reach a decision to recommend approval or denial.


Commissioner Rocky Marcoux

May 2, 2011

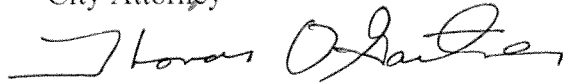
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It is our recommendation that File No. 101339 be scheduled for further action before the City Plan Commission at its next meeting scheduled for May 16, 2011.

Very truly yours,



GRANT E. LANGLEY
City Attorney



THOMAS O. GARTNER
Assistant City Attorney

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c: Alderman Michael Murphy
Vanessa Koster (DCD)
Ms. Debra Tomczyk

1050-2011-1294